

REMARKS:

The Examiner objects to the drawings under 37 CFR 1.84(p)(4) because the reference character "40" has been used to denote both a strap and a protrusion/projection. However, it is respectfully pointed out that, in the embodiment under consideration, the strap and the protrusion/projection are one and the same part. Thus, page 9, line 15 of the specification states that "The protrusion 40 is here a flexible strap...". Accordingly, it is respectfully submitted that the objection to the drawings should be withdrawn.

The Examiner rejects claims 1-19 under the second paragraph of 35 USC 112 as being indefinite because of the term "wall means". The applicant has amended the claims to replace this term with the word "wall".

The applicant has further amended the independent claims 1 and 18 to specify that these claims are directed to an article of footwear for a "hoofed" animal. In addition, claim 1 has been amended to recite that each tongue is "of one piece with the support and has a major portion which is pivotable relative to the wall". The applicant has additionally amended claims 11 and 13 to state that the cover is "removable", and the applicant has also added two new claims 20 and 21 which respectively depend from claims 18 and 4.

Claims 1, 2, 4, 5, 7, 10-12, 14-16, 18 and 19 stand rejected under 35 USC 102(b) as being anticipated by Dallmer (U.S. Patent No. 4,744,422). The Examiner states that Dallmer teaches a tongue at 12,16, a tongue at 30,34,35 and at least one band 37,23,22 of elastic material.

As amended, claims 1, 2, 4, 5, 7, 10-12 and 14-16 differ fundamentally from Dallmer. While each tongue of the claims is of one piece with the support, this is not the case for the tongue 30,34,35 of Dallmer which is movable along the support 10 of the reference. Moreover, each tongue of the claims has a major portion which is pivotable relative to the wall. In contrast, the major portion of the tongue 30,34,35 of Dallmer slides relative to the wall 11 of the reference. Hence, claims 1, 2, 4, 5, 7, 10-12 and 14-16 are not anticipated by Dallmer. The same applies to the new claim 21 which depends from claim 4.

With respect to claims 18 and 19, there is nothing in Dallmer which suggests that the band 37,23,22 is made of elastic material. On the contrary, since the band 37,23,22 of Dallmer is used to tighten the hoof shoe of the reference, one would not expect the band 37,23,22 to be elastic because the hoof shoe would then be extremely difficult to tighten. Thus, claims 18 and 19 are not

anticipated by Dallmer. This is also true for the new claim 20 which depends from claim 18.

Claims 1-6, 10, 18 and 19 are rejected under 35 USC 102(b) as being anticipated by Kos (U.S. Patent No. 2,986,823). The Examiner holds that Kos discloses a tongue at 22,23, a tongue at 12 and at least one band of elastic material 17.

The claims as amended specify an article of footwear for a hooved animal which is not the case for the overshoe of Kos. Unlike the claims, the support 13,14 of Kos is not designed to bear against a hoof while the enclosure 10 of the reference is not designed to enclose at least part of a hoof. Accordingly, claims 1-6, 10, 18 and 19 are not anticipated by Kos. The same applies to the new claim 20 which depends from claim 18 and the new claim 21 which depends from claim 4.

The Examiner rejects claims 8, 9 and 17 under 35 USC 103(a) over Dallmer in view of Glass (U.S. Patent No. 5,661,958). Glass is applied to teach a protrusion in the form of a strap or a loop.

Even if the strap or loop of Glass were incorporated in the hoof shoe of Dallmer, claims 8, 9 and 17 would not be obtained. Thus, whereas each tongue of claims 8, 9 and 17 is of one piece with the

support, the tongue 30,34,35 in the hoof shoe of Dallmer as modified by Glass would not be of one piece with the support 10 of Dallmer. Hence, claims 8, 9 and 17 do not become obvious from Dallmer and Glass.

Claim 13 stands rejected under 35 USC 103(a) over Dallmer in combination with MacDonald (U.S. Patent No. 6,694,713). MacDonald is cited as disclosing a cover 19 for a horse boot.

The applicant believes that one of ordinary skill would not use the cover 19 of MacDonald on the horse shoe of Dallmer. As stated by MacDonald in column 5, lines 50-52, the cover 19 is attached to the boot at the toe strap 14 by stitching 23. Since the stitching 23 is provided at precisely the location of the operating element of Dallmer, it does not seem feasible to attach the MacDonald cover 19 Dallmer boot shoe in the manner taught by MacDonald. Hence, claim 13 is not obvious from Dallmer taken with MacDonald.

In view of the foregoing, reconsideration of the rejections on the prior art is respectfully solicited.

Please charge any cost associated with this response to our Deposit Account No. 17-0055.

Respectfully submitted,



Antonio R. Durando
Reg. No. 28,409
(520) 770-8701 phone
(520) 623-2418 fax